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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,614	03/25/2004	Joel Leverett	HON-15052	7230
27504	7590	08/19/2005	EXAMINER	
RANKIN, HILL, PORTER & CLARK LLP 4080 ERIE STREET WILLOUGHBY, OH 44094-7836			PHAN, HAU VAN	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,614

Applicant(s)

LEVERETT, JOEL

Examiner

Hau V. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 14-28 and 31-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 29 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/25/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of group I, figures 1-5, claims 1-13 and 29-30 in the reply filed on 7/14/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 14-28 and 31-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/14/2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-13 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Simjian (4,887,836).**

Simjian in figures 1-8, discloses a cart for transporting objects. The cart comprises a base structure (22) upon which the objects may be disposed. The base

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structure has posterior and anterior ends and opposing first and second sides. The base structure also includes a pair of first wheels (24) mounted to the base structure and disposed toward a first side of the base structure, a pair of second wheels (24) mounted to the base structure and disposed toward a second side of the base structure. Simjian also discloses a housing, which is defined by side panels (18, 20), rear and front panels (12, 14), which are mounted to the base structure and at least partially defining an interior channel (44). The housing extends in a longitudinal direction of the cart and being disposed midway along a width of the cart. Simjian also discloses an elongated tongue (42) adapted for connection to another cart. The tongue being at least partially disposed in the channel and being movable between a retracted position, wherein a majority of the tongue is disposed inside the channel, and an extended position, wherein a majority of the tongue is disposed outside the channel. Simjian further discloses an actuator (58) connected to the tongue and disposed laterally outward from the housing. The actuator being operable, upon manipulation by an operator, to move the tongue from the retracted position to the extended position.

Regarding claim 2, Simjian discloses the actuator, which is movable along a linear path between a deactivated position and an activated position, wherein movement of the actuator from the deactivated position to the activated position moves the tongue from the retracted position to the extended position.

Regarding claim 3, Simjian discloses the path of the actuator, which is horizontal.

Regarding claim 4, Simjian discloses the path extending in the longitudinal direction of the cart.

Regarding claim 5, Simjian discloses the actuator, which is connected to the tongue by an elongated extension rod (61). The rod extending laterally outward from the tongue at about a right angle from the tongue.

Regarding claim 6, Simjian discloses front and rear structures and first and second side structures, which are secured to the base structure and extending upwardly therefrom.

Regarding claim 7, Simjian discloses the actuator, which is spaced below the base structure.

Regarding claim 8, Simjian discloses the actuator, which is a foot plate having a planar contact surface disposed perpendicular to the longitudinal direction of the cart.

Regarding claim 9, Simjian discloses the foot plate, which is in the activated position. The foot plate is disposed proximate to a front one of the first wheels, and when the foot plate is in the deactivated position, the foot plate is disposed distal to the front one of the first wheels.

Regarding claim 10, Simjian discloses the foot plate having an outermost vertical edge that is disposed inwardly from an outermost portion of the base structure on the first side of the base structure.

Regarding claim 11, Simjian discloses the outermost vertical edge of the foot plate, which is disposed laterally outward from the first wheels when circumferences of the first wheels are aligned.

Regarding claim 12, Simjian discloses the actuator, which is disposed laterally outward from the base structure.

Regarding claim 13, Simjian discloses the actuator, which is vertically aligned with the base structure.

Regarding claim 29, Simjian discloses a tongue locking apparatus (68) selectively operable to lock the tongue in the extended and retracted positions.

Allowable Subject Matter

5. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance.

The prior art does not teach the cart as recited in claim 30, which include housing having a bottom wall having a roller opening formed therein, wherein a first roller is mounted to the bottom wall and at least partially extends through the roller opening and wherein a second roller is mounted to a tongue and wherein the tongue is movably supported above the bottom wall of the housing by the first and second rollers. This recitation, in combination with the rest of the recited elements, clearly defines over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ketterer discloses a child's wagon with retractable means, Oliveira discloses a trailer, Thackray discloses a collapsible trailers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan
Primary Examiner
Art Unit 3618


8/17/05